

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

DAVID JOHN BOSHEA,

Plaintiff,

v.

COMPASS MARKETING, INC.

Defendant.

Case No. 1:21-cv-00309-ELH

**NON-PARTY MICHAEL R. WHITE'S DECLARATION IN SUPPORT OF
OPPOSITION TO MOTION FOR CONTEMPT SANCTIONS**

I, Michael R. White, pursuant to 28 U.S.C. § 1746, hereby declare that the following testimony is true and correct based upon my personal knowledge, and am competent to testify to the facts set forth herein.

1. I am over the age of eighteen (18), of sound mind, and am able to testify to the facts in the Opposition to Motion for Contempt Sanctions in this action from firsthand knowledge.
2. I am not an attorney.
3. My personal email address is michaelrwhite@comcast.net. My comcast.net email account is synced to the Microsoft Outlook email program. I view and respond to emails through the Outlook system on my desktop computer, and via the Apple Mail App on my iPhone.
4. Before this lawsuit was initiated, and before I first was served with a subpoena in August of 2021, based on investigations involving counsel for Compass Marketing, Stephen

Stern, but outside the scope of this case, I blocked Mr. Stern's email address (stern@kaganstern.com).

5. Specifically, in November of 2020, I marked an email from Mr. Stern's email address as "junk" which caused that email address to be blocked thereafter. Mr. Stern's email address was, at the time at issue, on the "blocked sender list" in my Outlook mail. Consequently, mail from the blocked sender was routed to the junk email folder, and did not reach my inbox. Since blocking Mr. Stern's email address, I have corresponded exclusively by mail with him. I did not receive any of the emails attached as exhibits to Compass's Motion (ECF 63) directly from Mr. Stern.
6. The first notice that I received regarding the deposition that was noted for October 21, 2021 was via an email from counsel for Mr. Boshea, Gregory Jordan on October 4, 2021. *See* Compass Mot. Ex. 3 (ECF 63-3 at 2). I was already scheduled to attend to other matters on October 21, 2021.
7. I received another email from Mr. Jordan on October 11, inquiring whether the deposition would proceed on October 21, 2021. Ex. B.
8. During this time period, I started contacting attorneys to assist me with regard to the document and deposition subpoenas, but did not immediately hire one.
9. Mr. Jordan sent another email on October 14, asking about the status of the deposition. Ex. C. I did not respond to Mr. Jordan's emails and did not have any other communications with Mr. Jordan regarding my deposition.
10. I filed a letter on October 14th (docketed on October 19, ECF No. 62), stating that the October 21, 2021 date was selected without consideration of my schedule, that I was not available on that date, and that I would not be attending.

11. I did not receive a copy of the Notice of Deposition by mail.
12. I believe I was not required to appear for the deposition scheduled October 21, 2021 for each of following independent reasons: I had not been involved in scheduling the deposition; I was not available on the scheduled date; and I gave notice before the scheduled date that I would not be able to appear.
13. I believe that I was not required to produce any of the requested documents until appearing for the deposition.

THIS ENDS MY DECLARATION.

SIGNATURE ON NEXT PAGE.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on:

11-12-2021
Date


Michael R. White